

Application No. 10/725,109
Response to Office Action dated 2/8/05

REMARKS/ARGUMENTS

Claims 1 and 3-18 remain pending in this application through this Amendment. Claim 17 has been amended. No new matter has been introduced into the application. As explained in more detail below, Applicants submit that all claims are in condition for allowance and respectfully request such action.

Rejection of Claims 1 and 3-6 under 35 USC §103(a)

Claims 1 and 3-6 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 4,675,945 to Evans ("Evans") in view of U.S. Pat. No. 5,165,216 to May ("May"). The Applicants traverse the rejection and submit the following Remarks.

The Office Action alleges Evans shows a "product netting machine comprising a base 56, a chute 38, ... voider gates 70-76 to form a rope section and clippers to clip the rope section of the netting." First, Evans does not recite or otherwise suggest a netting machine. Rather, Evans relates to a sausage stuffing apparatus (Col. 1, lines 5-10). In fact, "netting" or the use of any porous packaging is not taught or otherwise suggested by Evans. Indeed, one skilled in the art would realize sausage would seep through a netting material.

Second, Evans does not teach a "chute" as recited in claim 1. The structure alleged to be a chute in Evans is a sausage stuffing horn, wherein "[s]tuffing material is pumped through the horn" (Col. 4, lines 60-61; see also Col. 2, lines 63-66, disclosing a pumping apparatus for pumping stuffing material). In contrast, the recited "chute" is not a pressurized horn, does not function as a horn, and does not require a pumping apparatus, as taught by Evans. As set forth in the specification, "[t]he chute is, of course, gravity actuating" (Page 13, line 19). The Applicants therefore respectfully submit the horn disclosed in Evans does not teach the recited "chute" of claim 1.

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In regards to the May reference, it is directed towards an improvement to the double clipping mechanism, wherein manual labor is still required (see Col. 4, lines 1-12 and 32-36). In fact, an operator must gather and position the free end of the packaging "through the throat of clipper 12 and about the post to 22, through the throat 32 of second clipper 18 and the about the post 26" (Col 4, lines 32-35). The "handle former" of claim 1 is materially different than the double clipper disclosed in May. (See, e.g., pages 17-20).

Combining the sausage stuffing apparatus of Evans with the double clipping mechanism of May would not teach the combination of features of claim 1. Indeed, the Office Action fails to set forth a proposed modification of the Evans and May references necessary to arrive at the combination of features of claim 1, and an explanation why one of ordinary skill in the art at the time of the invention was made would have been motivated to make the proposed modification. (See M.P.E.P. § 706.02(j))

For at least these reasons, Evans in view of May does not teach or otherwise suggest the features and limitations of claim 1. The applicants, therefore, respectfully request reconsideration and withdrawal of this ground for rejection.

Rejection of Claims 16 and 17 under 35 USC §103(a)

Claims 16 and 17 are rejected under 35 USC §103(a) as being unpatentable over Evans in view of May, and further in view of the admitted prior art. The Applicants traverse the rejection and provide the following Remarks.

Through this Amendment, claim 17 has been amended to properly depend from claim 1, instead of cancelled claim 2. Now, both claims 16 and 17 depend from claim 1. As stated above, neither Evans nor May teaches or suggests the recited aspects of claim 1, either

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individually or in combination. For these reasons and for the additional limitations in claims 16 and 17, claims 16 and 17 are not obvious over Evans in view of May. The applicants therefore, respectfully request reconsideration and withdrawal of this ground for rejection.

Rejection of Claims 12-15 under 35 USC §103(a)

Claims 12-15 are rejected under 35 USC §103(a) as being unpatentable over Evans in view of May and U.S. Pat. No. 3,763,621 to Klein ("Klein"). The Applicants traverse the rejection and provide the following Remarks.

The Office Action states it would have been obvious to one skilled in the art to provide the pivotable guides of Klein with the machine of Evans. As discussed above, Evans in view of May does not disclose or suggest the product netting machine as recited in claim 1. Claims 12-15 which depend from claim 1 therefore would not be obvious for the same reasons and for the additional limitations recited in those claims. It is, therefore, respectfully submitted that the cited references do not individually or collectively disclose or suggest the combination of features recited in claims 12-15. The applicants respectfully request reconsideration and withdrawal of this ground for rejection.

Rejection of Claim 18 under 35 USC §103(a)

Claim 18 is rejected under 35 USC §103(a) as being unpatentable over Evans in view of May and U.S. Pat. No. 3,815,323 to Longo ("Longo"). The Applicants traverse the rejection and submit the following Remarks.

The Office Action states it would have been obvious to one skilled in the art to provide the ribs of Longo with the chute of Evans. As discussed above, Evans in view of May does not disclose or suggest the product netting machine as recited in claim 1. Claim 18 which depends

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from claim 1 therefore would not be obvious for the same reasons and for the additional limitations recited in claim 18. It is, therefore, respectfully submitted that the cited references do not individually or collectively disclose or suggest the combination of features recited in claim 18. The applicants respectfully request reconsideration and withdrawal of this ground for rejection.


Conclusion

The claims as now presented are believed to be in allowable condition. No new matter has been introduced into the application. In light of the above arguments, applicants respectfully request reconsideration of the application and allowance of all pending claims. Moreover, it is noted that the Office Action does not provide any basis for the rejection of claims 7-11; therefore, the Applicants believe the subject matter of those claims are allowable over the art of record.

Please feel free to contact the undersigned should any questions arise with respect to this application that may be addressed by telephone.

Respectfully submitted,

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